

MINUTES OF THE CITY OF BURLINGTON
CITY COUNCIL RETREAT
JANUARY 28, 2010

The City Council of the City of Burlington held its annual retreat at the John Robert Kernodle Senior Center, 1535 North Mebane Street, Burlington, N. C., 27215, on January 28, 2010, at 8:00 a.m.

Mayor Ronnie K. Wall presided

Councilmembers Present: Mayor Wall, Councilmembers Huffman, Butler, Ross and Faucette

Councilmembers absent: None

Harold Owen, City Manager: Present

Robert M. Ward, City Attorney: Present

Jondeen D. Terry, City Clerk: Present

Other staff present: David Beal, Rodger Burden, Bob Harkrader, Linda Hollifield, Frank Hope, Nolan Kirkman, Tony Laws, John Nixon, Aaron Noble, Bob Patterson, Peggy Reece, Jay Smith, Lanny Rhew, Mike Williams and Anne Morris, Executive Director, Burlington Downtown Corporation

Citizens present: Richard Parker, Richard Jacoby, Patrick Harmon

WELCOME AND COMMENTS

City Manager Owen thanked everyone for being present. He reminded the group that this was a Council-driven retreat. He said to feel free to ask questions.

Mayor Wall thanked Council for its ideas and suggestions of retreat topics. He said Council would review accomplishments and challenges later in the year.

Mayor Wall announced that the February 1, 2010, work session had been cancelled.

FILLING OF VACANT COUNCIL SEAT

Attorney Ward said that two years ago when this issue came up, he did a study and found how other municipalities filled vacant council seats. He said that results showed that with most cities the vacant seat was filled by the city council. Mr. Ward pointed out that if the City Council changed the procedure, it would need to be required to adopt a charter amendment. He distributed the following synopsis:

FILLING VACANCIES ON CITY COUNCIL

A. A Vacant City Council Seat May Result From:

- Election
- Death
- Disability
- Resignation
- Disqualification
- Removal from office

B. Current Procedure for Filling of Vacancies Is Set Forth In:

- N.C. General Statutes § 160A-63 provides that "[a]vacancy that occurs in an elective office of a city shall be filled by appointment of the city council."
- City Charter Section 3.01 provides that "the council shall choose some person for the unexpired terms . . . to act as councilman."

C. SURVEY RESULTS:

Responses were received from 107 North Carolina cities and towns:

- 106 cities and towns filled such vacancies by appointment of the Town Board or City Council.
- One responded that such a vacancy was filled by a special election.

D. Changing Method of Selection of Filling Vacancies Would Require a Charter Amendment:

1. G.S. §160A-102 will require the City Council to:

- Adopt Resolution of Intent setting forth proposed changes in procedure.
 - Hold a public hearing on proposed changes.
 - Adopt ordinance amending City Charter, Section 3.01.
2. Submit local bill with this charter amendment to N.C. General Assembly for approval.

Mayor Wall stated he had no interest in changing the charter. He said there needed to be a process/procedure and that the general public needed to know that a procedure was in place.

Councilmember Faucette agreed and stated it was important for the public to know the procedure.

Mayor Pro Tem Huffman agreed and pointed out that an appointed person usually serves a maximum of two years and that it should be someone who could contribute and would not have a large learning curve.

Councilmember Butler said it was important to have a transparent procedure. He said the vacancy should be filled with someone who is capable of making knowledgeable decisions, had no ulterior motive or hidden agenda. He pointed out that experience on advisory boards and commissions would be beneficial.

After a discussion, it was decided that a procedure would be established that would include Council requesting a letter of interest that would include qualifications, reviewing the applicant letters, narrowing down the number and having the remaining applicants come before Council at a work session. Such characteristics as gender, race, understanding of council/manager form of government, etc., would be considered.

City Clerk Terry was instructed to put the matter on the February 16, 2010, City Council agenda.

DOWNTOWN MUNICIPAL TAX DISTRICT ECONOMIC DEVELOPMENT TOOL BOX

City Manager Owen said that Council and the public had expressed interest in increasing growth in the downtown area. He pointed out that much of the rental space was more affordable than other places. He said that the Board of Directors of the Downtown Corporation had brought quality people to that board and that Councilmember Steve Ross is the Council representative.

Administrative Services/Revenue Collections Director Frank Hope said staff had talked about strategies and ways to encourage economic development downtown. He said they had looked at other cities and how they have vitalized their downtown areas. He reported that staff may request an amendment to the current economic development policy. He said that the present policy addresses industrial or service-type businesses for incentives. Staff would like to amend the policy to allow the Downtown Corporation to have a plan to attract development. The current policy requires an \$8 million investment, but staff would like to consider a minimum \$1.5 million investment within the downtown district for improvements to existing structures and for incentives for new businesses and residential dwellings. Expansions or types of projects that would be eligible would include retailers, museums, theaters, arts and cultural, hotels, motels and residential. He said the amount of the dollar commitment should determine amount of incentive. He said a minimum incentive would be established and that the amount could gradually increase for larger investments. This incentive program would not apply anywhere outside the Downtown Municipal Service District (MSD).

Councilmember Butler said it would be creating an incentive district and that the sliding scale concept was a good idea.

Councilmember Ross pointed out that there were challenges that are unique to downtown. He said that working with old structures could make improvements cost prohibitive. He said he was encouraged with the sliding scale idea and thought it was a step in the right direction.

Mayor Wall said it was time to do something to help.

Councilmember Butler said Council needed to give the Downtown Corporation tools with which to work and to support the smaller merchants.

Councilmember Faucette agreed.

Mr. Hope said the City could provide an annual appropriation during the budget process. He pointed out that grants and loans were available to help businesses with start-up costs.

Ms. Anne Morris, Executive Director, Burlington Downtown Corporation (BDC), introduced the components of an Economic Development Toolbox for Downtown Burlington that would be developed and administered by the BDC. She said that the Economic Development Toolbox was a recommendation from the Master

Plan. It is a suite of programs, policies and incentives designed to facilitate business retention, development and investment and includes federal, state and local tools.

Timeline

- Discussions began in fall 2009 with City staff regarding development of an Economic Development Toolbox for downtown.
- Research undertaken by BDC and City staff regarding programs and policies in place across North Carolina, and beyond for encouraging development and investment downtown.
- Goals for downtown Burlington identified.
- Several approaches considered.

Economic Development Toolbox Goals

- Ease start-up costs for small businesses.
- Encourage business sustainability.
- Improve the exterior appearance of buildings.
- Encourage the modernization of building interiors.
- Encourage residential development within the Municipal Service District.
- Maintain sufficient flexibility in the allocation of funds to effectively address project-specific needs.
- Attract significant new investment to downtown Burlington that is of sufficient size and quality to make a large impact on the revitalization of downtown.

Winter 2009-2010

Two-pronged approach proposed:

- An annual allocation from the City to the BDC for development of an Economic Development Toolbox
- City to expand existing policy

Approach and potential BDC programs vetted with:

- BDC Economic Restructuring Committee
- BDC Executive Committee

Proposed BDC Programs

- Business Development
- Property Development
 - Retail/Restaurant Up-fit Grant
 - Business Retention Program - more likely to be technical assistance
 - New Business Development Assistance
 - Marketing Assistance
 - Property Development
 - Building Rehabilitation & Modernization (Exterior & Interior Grants)
 - Downtown Residential Incentive
 - Revolving Property Fund (Endangered Property Fund)

Councilmember Butler mentioned that banks have programs to help small businesses apply for loans.

Ms. Morris said that could be an important instrument in the tool box.

Ms. Morris discussed having downtown events in which properties would be open and experts would be present, similar to an expo. She would like to have two of these events a year on Saturdays.

Councilmember Faucette said recruitment for downtown was important and he suggested working with Alamance Community College.

Mayor Pro Tem Huffman said the key to revitalization was having residents downtown. He suggested conducting an inventory of what is available downtown for residential purposes.

City Manager Owen mentioned that staff (inspectors, etc.) was willing to meet with persons and let them know what they can and

can't do. He asked Council to consider how aggressive it wants the City to be. He asked if Council wanted to be involved in downtown revitalization.

Councilmember Butler said we must work together and be aggressive.

Mayor Pro Tem Huffman said there needed to be a formula whereas the City would match funds plus whatever the Downtown Corporation contributes through taxes.

Mayor Wall said the public will want to see positive results.

Ms. Morris said the programs would be evaluated but that it would take three to five years to determine the results. She pointed out that with challenges, the incubation period for projects would be longer and that it was important to give programs time to be successful.

Councilmember Ross said that since a good master plan had been established, there should be positive results. He said he supported downtown revitalization and hoped that going forward the City would be a partner.

City Manager Owen said that \$125,000 would be recommended and considered annually during the budget process. Mr. Owen said that in addition, Council could choose to place approval of the amendment to the Economic Development Incentive Plan on the agenda at any time. He pointed out that each request would be presented to Council.

Ms. Morris said the Downtown Corporation was having a board retreat on March 25, 2010, and she would like an acknowledgment of support from the Council.

City Manager Owen said that the allocation would be done during the annual budget process.

The consensus was that Ms. Morris would give a progress report on the design of the programs within the proposed Economic Development Toolbox for Downtown at the April 5, 2010, Council work session.

ANNEXATION

Planning and Economic Development Director Bob Harkrader reviewed two ways to annex new territory - the petition process initiated

by property owners located adjacent to or in close proximity to the City limits, and the second method, which is through a City-initiated process that provides for annexation of land areas (with or without property owner permission) that meet certain development standards.

Mr. Harkrader reviewed two maps: one showing the annexation history of the City and the other, areas identified by staff that appear to meet the development standards for City-initiated annexations as provided for in the North Carolina General Statutes. He reviewed the pros and cons that could be identified and tied to specific policy decisions. He provided a handout and discussed standards for defining annexation areas. He also explained that the second map was not all-inclusive of areas that could be annexed and that staff would need to do additional study to determine exact boundaries based on annexation development statutes.

There was a discussion about annexations in the general area of University Drive. It was pointed out that Lake Mackintosh is totally owned by the City and could be annexed.

After a discussion, Mayor Wall said that everyone agreed and instructed staff to move forward with studying the annexation areas and the annexation of Lake Mackintosh.

City Manager Owen said staff would conduct a study, calculate the costs and report to Council.

Attorney Ward said that a resolution could not be formally adopted until there was a legal description of the Lake Mackintosh property. He also mentioned that water and sewer lines must be in the ground within two years and that other services such as police, fire, etc., must be available on day one. Mr. Ward pointed out that part of the property was in Guilford County, but that should not be a problem.

City Engineer Rhew said that it would probably take two to three months to get a good description of the lake property.

Mr. Harkrader stated that if City Council was interested in annexations it was important to move forward because legislation was considered in the last session of the General Assembly that could change the annexation laws.

Council reiterated to move forward with annexing Lake Mackintosh by getting a legal property description and to move forward with all of the other identified areas.

ROADWAY TRANSPORTATION

There was discussion about problems with the entrance and exit at University Commons (Boone Station and University Drive). Public Works Director Nolan Kirkman pointed out that this was a private project and that it would require a public/private partnership to see improvements. Mr. Kirkman showed a conceptual plan that would help alleviate the problem. He stated that staff was looking at costs, and the project can be considered in the future.

City Engineer Lanny Rhew reviewed the following projects:

- Rural Retreat extension limits from existing Rural Retreat to Springwood Church Road. Estimate for construction is \$4.64 million. This includes waterline, sanitary sewer extension and anticipated right-of-way costs.
- Rockwood Extension limits from Front Street to Webb Avenue. Includes widening of existing Rockwood front to end and new alignment to intersection of Glen Raven at existing signal. Project costs are \$1.15 million roadway costs. Anticipated right-of-way costs could be as high as \$555,000 depending if there is any dedication of right-of-way from adjoining property owners. Water and sewer costs not estimated for this alignment.

Mr. Kirkman reviewed funded projects for 2010 and future projects that are being considered as follows:

Funded Projects

NCDOT Resurfacing (stimulus and maintenance)

- Maple Ave. - Webb Ave. to Anthony Rd.
- US70 - Graham-Hopedale Road to Alamance Road
- Webb Ave. - Gilmer St. to Flora Ave.
- Huffman Mill Rd. - Church St. to Longpine Rd.
- Kirkpatrick Rd. - Longpine Rd. to NC62

City Resurfacing

- CBD (resurfacing, stamped crosswalks, streetscape items)
- Outside CBD (based on pavement condition survey)
- Additions (currently identifying, survey, parking lots)

Pedestrian/Sidewalk Projects

- Huffman Mill Rd. and Forestdale Dr.

- Huffman Mill Rd. between S. Church St. and Mebane St.
- Richards Ave.

New Signal

- Boone Station and Forestdale Dr.

Metal Pole Upgrades

- University Dr. and Rural Retreat Rd.
- University Dr. and Bonnar Bridge Pkwy.
- Webb Ave. and Elmira St.

Intersection Improvements

- S. Church St. and Edgewood (add SB left-turn lane, modify right-turn lane)
- S. Church St. and O'Neal St. (add SB left-turn lane)
- Chapel Hill Rd. and Maple Ave. (add EB thru lane, extend EB right-turn lane)

Roadway Projects

- Mebane St. (widening)
- Grand Oaks Blvd. (new roadway and widening of existing road)

Study Areas

Intersection Improvements

- University Dr. and Boone Station Dr. (add WB thru, modify stem to increase capacity)
- S. Church St. and St. Mark's Church Rd. (add second NB left-turn lane to increase capacity)
- S. Church St. and Forestdale Dr. (add NB right-turn lane to increase capacity)
- Huffman Mill Rd. and I-85 NB ramp (add second left-turn lane to increase capacity)
- Huffman Mill Rd. and S. Church St. (add EB right-turn lane to increase capacity, MPO to begin study soon)
- Graham-Hopedale Rd. and N. Church St. (capacity needed for northern leg, MPO study to begin soon)
- Sellars Mill Rd. and N. Church St. (add NB right-turn lane to increase capacity)
- Tucker Street interchange (MPO Local Needs List project)

Roadway Projects

- US70 - widen from Westbrook Ave. to University Dr. (addition of needed capacity; portion of MPO Local Needs List project)
- St. Mark's Church Rd.- Boone Station to S. Church St. (widen to increase capacity)
- Alamance Rd. - S. Church St. to Mebane St. (widen to add capacity; MPO Local Needs List project)
- S. Church St. - widen between Alamance Rd. and O'Neal St. (additional capacity needed for segment)
- Chapel Hill Rd.- widen from S. Church St. to Maple Ave. (NCDOT currently designing, unfunded, MPO Local Needs List project)
- Rockwood Ave. extension - Front St. to Webb Ave. (north/south connector)
- Rural Retreat Rd. extension (connector road, emergency services coverage)

PUBLIC SAFETY STRATEGIC PLANNING

POLICE DEPARTMENT

Police Chief Mike Williams reported on the 2010 police officer staffing and retention status and strategy for achieving and sustaining full staffing and maximizing number of officers in field as follows:

Staffing Situation January 1, 2009

- 13 Vacant Officer Positions
- 22 Unoccupied Officer Positions
- 2 Officer Retirements 2009
- Lost 9 Additional Officers (IA-5, F/P-4)

2009 Recruiting Efforts

- Enhanced recruitment information on BPD web page
- Visiting BLET classes throughout the region to distribute material and information
- Attending local career fairs
- Formed and trained volunteer recruitment team
- Sponsoring promising BLET applicants
- Internship program - ACC, Guilford College, Elon University
- Advertisement in national police officer recruiting

publication

- 18 Officers Hired- 2009 (Background Investigation, Criminal History, Credit Check, Oral Appraisal Board, Polygraph, Psychological Exam, Personal Interview, Physical Exam, 3-4 Month Field Training Program)
- 6 Current Police Officer Vacancies
- 3 Officers in Field Training
- 4 Promising Candidates Sponsored in BLET
- There are currently 9 unoccupied police officer positions throughout the BPD
- Meaning: 13 of the 22 unoccupied positions are now occupied equal to 13 additional officers on the street as compared to December 2008

Current Officer Experience Level

- Now 70% of officers have 6 years or more law enforcement experience
- 11 officers hired in 2009 have a collective 95 years of law enforcement experience

Strategy for Achieving and Sustaining Full Staff

To fill 6 existing vacancies:

- Anticipate hiring 3 officers February 8, 2010
- Anticipate hiring 3 experienced officers mid-March

Strategy for Maximizing Number of Officers in Field

Restructuring to include:

- Civilianizing Crime Analyst Position

(Crime Data Tracking, Reporting and Analysis—21-year veteran officer in the field)

- Civilianizing Professional Standards Position
(Oversee Budget, Grant Application and Management, Policy Review, Hiring, and Payroll - 22-year veteran officer in the field)

Police Substations

- Increase officer visibility and positive interaction with the public
- Beverly Hills Community
- Tucker Street Apartments
- Colony Apartments
- Beaumont Apartments
- Elmira Community Center
- Forest Hills Community Center
- Mayco Bigelow Community Center

Chief Williams said the support of the Burlington City Council and the City Manager has ended a 10-year exodus of police officers to other agencies and has enabled the Burlington Police Department to retain and hire top quality officers and to better serve the citizens of Burlington. He stated that on behalf of the Burlington Police Department, he was immensely grateful to the Council and to the Manager for that support.

Councilmember Faucette thanked Chief Williams for additional patrol in the Glen Raven area.

FIRE DEPARTMENT

Fire Chief Jay Smith gave an overview of operations for the Fire Suppression Division as follows:

- Current Allocation of Resources
 - 81 Fire Suppression Staff (three platoons)
There is 27 staff members assigned per 24-hour platoon with a minimum staffing level of 22 members per day pending vacation, sick leave, etc.
 - Five Fire Stations

- Station 1 - Engine, Ladder Truck, Squad Truck, Command Unit
- Station 2 - Engine
- Station 3 - Engine
- Station 4 - Engine, Squad Truck
- Station 5 - Engine

□ Review of Fire Station Mapping

▪ 1.5 Mile Mapping - Chief Smith displayed a map that represented 1.5 road miles from each fire station. The relevance of this distance is based upon ISO ratings, NFPA Standards (1710), and a four-minute response time goal for Fire Suppression Crews. In regards to certain emergency medical situations, four to six minutes is the period of time that irreversible brain damage occurs without intervention from emergency responders.

▪ 2.5 Mile Mapping - Chief Smith showed a map that represented 2.5 road miles from Fire Station 1. The importance of this distance is how it relates to the response of ladder truck considering ISO ratings, NFPA 1710 and an eight-minute response goal for this truck to arrive on scene with engines from other fire stations to support operations.

□ Fire Suppression Response Times *Graph Attachment

▪ Overall Performance of All Stations in 2009:

- 61.9% of all incidents had a response time of four minutes or less
- 78.8% of all incidents had a response time of five minutes or less
- *19.4% of all incidents had a response time greater than five minutes

▪ Overall Average Response Time Per Station

- Station 1 - 4:23
- Station 2 - 4:08
- Station 3 - 4:23
- Station 4 - 4:37
- Station 5 - 5:31

▪ Overview of incident graph indicating a 75% increase in emergency service demands since 2002

	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>
EMS	2648	3026	2954	3186	3812	4486	4634	4944
Fire	1456	1592	1465	1551	1733	1777	1832	2256
Total	4104	4618	4419	4737	5545	6263	6466	7200
Percent			-					
Increase		12.52%	4.31%	7.20%	17.06%	12.95%	3.24%	11.35%

Total percent increase from
2002-2009 is 75.44%

Mayor Wall asked if an additional ladder truck would be purchased if a new fire station was built in the west.

City Manager Owen said the overall location of stations should be reviewed. He also stated that it would cost \$1 million annually for capital. Mr. Owen said there would be a need for another ladder truck. If the City were to annex to the south, Station 5 would be more viable. He pointed out that it must first be decided which direction the City is going to grow.

Discussion led to the fact that eventually there would have to be another fire station. Mr. Owen said that an independent study (private consultant) could give Council more professional guidance.

Mayor Wall suggested continuing the dialog so that response time could be reduced in the west.

Councilmember Butler requested a map that would show the one and one-half mile response areas with the proposed annexation areas also shaded.

FINAL COMMENTS

Mayor Wall said that cleaning up Terrace Apartments was a good start and to let him know if there were other areas that needed

to be improved. He said he would like to have another round of neighborhood meetings in July and August 2010. He said he would like for them to be held at different locations from the last meetings and that it would be good to include Mackintosh on the Lake.

Mayor Wall thanked staff for the information disseminated at the Retreat and said Council could move forward on some items.

ADJOURN

The meeting was adjourned.

Jondeen D. Terry, City Clerk